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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,925	09/11/2006	G. Eric Engstrom	109909-145058	4434

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EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,925

Applicant(s)

ENGSTROM ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-12,14,16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-12,14,16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9-12, 14, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (US 2002/0052192) in view of Gozzini (US 2003/0099380).

Regarding claims 1 and 20, Yamazaki discloses a wireless mobile phone comprising: a plurality of components coupled to each other to facilitate wireless telephony communication by a user, an input mechanism configured to facilitate input of a finger print of the user; and an operating logic configured to receive input signals from the input mechanism. See paragraphs 19, 20 and 48.

Yamazaki fails to disclose one or more capacitors and one or more sensors coupled to the one or more capacitors to sense electrical interactions with the user's finger, and to output signals indicating the user's fingerprint, that the operating logic operates components in a first mode if the user is not successfully authenticated and a second mode if the user is authenticated based on the output signals, wherein a second plurality of user functions are available in the second mode.

However, in an analogous art, Gozzini discloses these limitations in the Abstract and paragraph 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone in Yamazaki by incorporating these features taught

in Gozzini for the purpose of allowing different levels of authentication for different functions of the phone.

Regarding claim 2, Yamazaki discloses that said input mechanism comprises a light source to emit light, and an array of light sensors to sense the emitted light reflecting off a user's finger. See paragraphs 21-23.

Regarding claim 3, Yamazaki discloses that the wireless mobile phone further comprises processing logic associated with the input mechanism to process the reflected light sensed into an input finger print. See paragraphs 21-23.

Regarding claim 4, Yamazaki discloses that the operating logic further comprises logic to compare the input finger print against a reference finger print. See paragraphs 53-54.

Regarding claim 5, Yamazaki discloses that the wireless mobile phone further comprises a reader to facilitate provision of a reference finger print via an identity card. See paragraphs 35-39.

Regarding claim 6, Yamazaki discloses that the reference finger print is stored on said identity card in a manner to be read by a reader selected from the reader group consisting of an electronic reader, an optical reader, and a magnetic reader, and the reader is a corresponding selected one of the electronic reader, the optical reader and the magnetic reader. See paragraphs 35-39.

Regarding claims 9 and 21, Yamazaki discloses in a wireless mobile phone, a method of operation comprising: receiving finger print input from a user; authenticating the user using the provided finger print input; and operating a plurality of components of the wireless mobile phone to facilitate wireless telephony communication by the user, depending on whether the user was

successfully authenticated via the received finger print input of the user. See paragraphs 19, 20 and 48.

Yamazaki fails to disclose one or more capacitors and one or more sensors coupled to the one or more capacitors to sense electrical interactions with the user's finger, and to output signals indicating the user's fingerprint, that the operating logic operates components in a first mode if the user is not successfully authenticated and a second mode if the user is authenticated based on the output signals, wherein a second plurality of user functions are available in the second mode.

However, in an analogous art, Gozzini discloses these limitations in the Abstract and paragraph 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone in Yamazaki by incorporating these features taught in Gozzini for the purpose of allowing different levels of authentication for different functions of the phone.

Regarding claim 10, Yamazaki discloses that said receiving of finger print input from the user comprises emitting light using a light source, sensing the emitted light reflecting off the user's finger using a plurality of sensors, and processing the reflected light sensed into a finger print input. See paragraphs 21-23.

Regarding claim 11, Yamazaki discloses comparing the inputted finger print against a reference finger print. See paragraphs 53-54.

Regarding claim 12, Yamazaki discloses that the method further comprises retrieving the reference finger print from an identity card. See paragraphs 35-39.

Regarding claims 14 and 18, Yamazaki discloses a wireless mobile phone comprising: a plurality of components coupled to each other to facilitate wireless telephony communication by

a user, with the components being equipped to operate in at least a selected one of a first mode and a second mode; and operating logic to operate the components in said first mode without authentication of the user, and to operate the components in said second mode if the user is successfully authenticated. See paragraphs 19, 20 and 48.

Yamazaki fails to disclose one or more capacitors and one or more sensors coupled to the one or more capacitors to sense electrical interactions with the user's finger, and to output signals indicating the user's fingerprint, that the operating logic operates components in a first mode if the user is not successfully authenticated and a second mode if the user is authenticated based on the output signals, wherein a second plurality of user functions are available in the second mode.

However, in an analogous art, Gozzini discloses these limitations in the Abstract and paragraph 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone in Yamazaki by incorporating these features taught in Gozzini for the purpose of allowing different levels of authentication for different functions of the phone.

Regarding claims 16 and 19, Yamazaki discloses in a wireless mobile phone, a method of operation comprising: operating a plurality of components coupled to each other to facilitate wireless telephony communication by a user, in a first mode, prior to authenticating the user; receiving input for authenticating the user; and operating the components in a second mode if the user is successfully authenticated. See paragraphs 19, 20 and 48.

Yamazaki fails to disclose one or more capacitors and one or more sensors coupled to the one or more capacitors to sense electrical interactions with the user's finger, and to output signals indicating the user's fingerprint, that the operating logic operates components in a first mode if

the user is not successfully authenticated and a second mode if the user is authenticated based on the output signals, wherein a second plurality of user functions are available in the second mode.

However, in an analogous art, Gozzini discloses these limitations in the Abstract and paragraph 4. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone in Yamazaki by incorporating these features taught in Gozzini for the purpose of allowing different levels of authentication for different functions of the phone.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Examiner, Art Unit 2617